

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

**GOVERNMENT'S RESPONSE TO STANDBY COUNSEL'S MOTION TO FILE REPLY
BRIEF IN EXCESS OF THE PAGE LIMIT**

COMES NOW the United States of America, by and through Jeffrey B. Jensen, United States Attorney for the Eastern District of Missouri, Jennifer A. Winfield, Assistant United States Attorney for said District, and hereby objects to the defendant's motion to file a reply brief which is excess of the 15 page limit. Federal Local Rule 7-4.01(D). In support thereof, the Government states the following:

1. On March 29, 2017, a federal grand jury filed a superseding indictment on defendant Copp on Counts One and Two: Production of Child Pornography in violation of Title 18 U.S.C. Section 2252(a); Count Three: Attempted Production of Child Pornography in violation of Title 18 U.S.C. Section 2252(a); Count Four: Possession of Child Pornography in violation of Title 18 U.S.C. Section 2252(a)(5)(B); Counts Five and Six: Use of Interstate Facilities to Persuade, Induce, Entice, or Coerce a Minor to Engage in Sexual Activity in violation of Title 18 U.S.C. Section 2422 and Counts Seven, Eight and Nine: Use of Interstate Facilities to Transmit Information with the Intent to Entice, Solicit or Encourage a Minor to Engage in Sexual Activity in violation of Title 18 U.S.C. Section 2425.
2. This Court conducted a bench trial from April 11, 2018 to April 24, 2018.
3. The verdicts in this matter were returned on December 26, 2018.
4. On January 4, 2019, Copp outlined 19 grounds in his motions for a new trial and judgement of acquittal. On January 24, 2019, the government filed its response.

5. Copp has already outlined 19 grounds in his previously filed motion for a new trial, and there is no constitutional right to reply to the government's response. See Brecht v. Abrahamson, 507 U.S. 619, 637–638, 113 S.Ct. 1710, 123 L.Ed.2d 353 (1993) (holding that federal habeas relief is unwarranted unless the error had a “substantial and injurious effect or influence” on the trial outcome). Nevertheless, Copp was granted a continuance to reply the government's response, and his filing was due by July 31, 2019.
6. Now before this court is Copp's motion to file a 310-page reply to the government's response to his motion for a new trial.
7. Local Rule 7-4.01(D) sets out the maximum length of motions and memoranda filed in the Eastern District of Missouri at 15-pages, and it applies to all litigants. A motion for a new trial is a “motion” as contemplated by the local rule.
8. Federal Rule of Criminal Procedure 57 allows district courts to apply local rules.
9. Therefore, here it is proper for the district court to apply Local Rule 7-4.01 and not allow the defendant to file a reply that is 295-pages over the 15-page limit. Martinez v. United States, 865 F.3d 842, 844 (6th Cir. 2017)(the court held that the defendant would not be allowed to file a 628-page motion to vacate his sentence because it far exceeded the 20-page limit provided by the district's local rule). See, United States v. Wardell, 564 Fed. Appx. 418 (10th Cir. 2014).
10. The current page limit is more than sufficient to permit the defendant to identify key issues and concisely explain his position to the Court. In addition, Copp's initial motion for a new trial already included 19 grounds, so his initial filing and the overall complexity of the case do not warrant the 310-page length of his new reply brief.

WHEREFORE, in light of the foregoing, the government objects to the defendant's request to submit a 310-page filing. Accordingly, the Court should deny defendant's pending motion.

Respectfully submitted,

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United States Attorney

s/ Jennifer A. Winfield
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CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2019, the attached was filed electronically with the Clerk of the Court and served by way of this Court's Electronic Notification System upon all counsel of record, and mailed to Loren Copp at the St. Charles County Adult Detention Center, 301 N. Second Street, St. Charles, MO 63301.

s/Jennifer A. Winfield
JENNIFER A. WINFIELD, 53350MO
Assistant United States Attorney